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**MEMO ENDORSED**  
Hon. Nancy Gertner (Ret.)

Johnnie L. Cochran, Jr.  
(1937-2005)

Peter J. Neufeld

Barry C. Scheck

Nick Brustin

Anna Benvenuti Hoffmann

Emma Freudenberger

Vanessa Buch

Aaron Scherzer

Alexandra Lampert

July 10, 2013

**Via Next Day Air**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601

**RE: *Deskovic v. City of Peekskill, et al.*, 07-CV-8150(KMK)**

Dear Judge Karas:

I write on behalf of Plaintiff Jeffrey Deskovic in relation to the third party declaratory judgment action filed by New York Municipal Insurance Reciprocal ("NYMIR"). Mr. Deskovic intends to implead Westport Insurance Company ("Westport") into that declaratory judgment action. It is an inefficient use of judicial resources to have a declaratory judgment action relating to Putnam's insurance coverage with one relevant insurer (NYMIR) but not the other (Westport).<sup>1</sup> Mr. Deskovic intends to file his Complaint on July 22, 2013, fourteen days after Mr. Deskovic answered the Complaint in this declaratory judgment action. Under Federal Rules of Civil Procedure 14(a)(1) & (b), Mr. Deskovic does not believe that the Court needs to take any further action before he files a third party complaint against Westport. Nonetheless, out of an abundance of caution and mindful of the Court's ability to manage its docket, Mr. Deskovic respectfully requests that the Court permit him to file this Complaint. None of the parties to the declaratory judgment action (NYMIR, the Putnam Defendants, or Ms. McGarr) object to Mr. Deskovic's request.

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<sup>1</sup> Westport is already involved in the declaratory judgment action relating to Peekskill's insurance coverage.

Respectfully submitted,

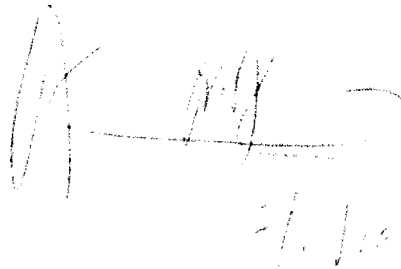
A handwritten signature in black ink, appearing to read 'Nick Brustin', with a long horizontal flourish extending to the right.

Nick Brustin

cc: All counsel (via email)

Gentl

So. Dist.

A handwritten signature in black ink, followed by the date '7/11/13' written below it.